UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/51/341
10 September 1996

ORIGINAL: ENGLISH

Fifty-first session
Item 107 of the provisional agenda*

REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, QUESTIONS RELATING TO REFUGEES, RETURNEES AND DISPLACED PERSONS AND HUMANITARIAN QUESTIONS

Comprehensive consideration and review of the problems of refugees, returnees, displaced persons and related migratory movements

Report of the Secretary-General

1. The present report and its annex are submitted pursuant to General Assembly resolution 50/151 of 21 December 1995, in which the Office of the United Nations High Commissioner for Refugees, in close cooperation with States and intergovernmental organizations concerned, was requested to convene, in 1996, a regional conference to address the problems of refugees, displaced persons, other forms of involuntary displacement and returnees in the countries of the Commonwealth of Independent States (CIS) and relevant neighbouring States. In the same resolution, the Assembly requested me to report to it, at its fifty-first session, on the implementation of the resolution.

2. Pursuant to that request, I opened the Conference, which was convened by the United Nations High Commissioner for Refugees at Geneva on 30 and 31 May 1996. The Conference was the culmination of an ongoing process that had begun in 1994. It was held under the joint auspices of UNHCR, the International Organization for Migration (IOM) and the Organization for Security and Cooperation in Europe (OSCE)(through its Office for Democratic Institutions and Human Rights). It was attended by representatives of 87 States (including all 12 CIS countries), 27 international organizations (in addition to UNHCR, IOM and OSCE), 2 other governmental organizations and 77 non-governmental organizations. The Conference adopted a Programme of Action, which had been endorsed by a Preparatory Conference held at Minsk on 8 May 1996.

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3. The three main objectives of the Conference, cited below, are considered to have been met.

(1) Providing a reliable forum for the countries of the region to discuss problems of population displacement in a humanitarian and non-political manner. This was achieved through a series of subregional meetings and expert meetings to discuss such problems and identify solutions, and the establishment of a Drafting Committee tasked with the formulation of a wide plan for action to address those problems, based on a declaration of principles.

(2) Reviewing population movements in the region, and clarifying categories of concern. The discussions held among CIS countries and between them and other countries, as well as with international and non-governmental organizations, were based on an analysis of the different movements of population, and led eventually to the identification of the various categories of populations displaced in the CIS countries. Definitions were developed, and were included in the Programme of Action adopted by the Conference.

(3) Devising an integrated strategy which would enable the CIS countries to cope better with and prevent population displacement, as well as manage and regulate other types of migratory movements in the region. The Programme of Action, which was adopted by consensus by the Conference, is a framework for action by the CIS countries, in addressing displacement problems, on the basis of internationally recognized principles, in a spirit of international cooperation, solidarity and burden-sharing. The Programme of Action consists essentially of two parts: a chapter on principles and a sequence of chapters on action (institutional framework, operational framework, prevention, cooperation and implementation/follow-up). It will provide guidance for the CIS countries in their handling of the complex migratory movements in the region. The Programme of Action also provides a basis for UNHCR work in the CIS countries for the next few years. During the preparatory process, UNHCR and IOM developed a joint operational strategy that envisages both organizations collaborating closely in all their activities in the region, either by working together or through sharing information and complementing each other. The joint approach should allow for more effective distribution of tasks in the countries of the region and more efficient use of limited resources.

4. Shortly after the Conference, UNHCR and IOM submitted to the international community, for financial support, a package of projects in three of the CIS countries, where some programming activity had taken place just before the Conference was held. This was a first, limited step in the implementation of the Programme of Action. A wider review of priorities in all 12 CIS countries is to take place from July to September, and will be the basis for the formulation of UNHCR and IOM programmes for 1997-1998. To that effect, consultations are planned with relevant departments of the CIS country Governments, and with other international and non-governmental organizations. A broad presentation of all UNHCR activities in the CIS countries in 1997-1998

will be made in October 1996, jointly with IOM. This will include activities foreseen, and already approved, in the 1997 General Programmes and Special Programmes, as well as new activities designed through the Conference follow-up consultative process. In this manner, UNHCR and IOM will present to the international community a coherent overview of their plans for 1997 and 1998. Efforts will be made to associate as many relevant partners as possible in presenting this broad picture of priorities in addressing displacement in the region.

5. The Programme of Action foresees the establishment of a Steering Group, composed of representatives of participating States, to monitor the follow-up process. This Group should be convened at least once a year for the next four years, and will include NGO representatives. As part of the follow-up mechanism being set up by UNHCR, IOM and OSCE, UNHCR has created a small unit at headquarters, whose main task is to ensure that the Programme of Action is being implemented. The unit will also provide support and guidance to field offices and relevant headquarters units and will collate information on progress in implementation, to submit to the Steering Group. Two Professional staff members, including one officer specifically dedicated to follow-up with NGOs, and one General Service staff member comprise the unit. A first meeting of the Steering Group will take place in the last part of 1996. UNHCR is cooperating with IOM and OSCE in the setting up of their own follow-up arrangements, which will form part of one mechanism.

6. The report of the Conference is annexed to the present document.

Annex

[Original: English and Russian]

REPORT OF THE REGIONAL CONFERENCE TO ADDRESS THE PROBLEMS OF REFUGEES, DISPLACED PERSONS, OTHER FORMS OF INVOLUNTARY DISPLACEMENT AND RETURNEES IN THE COUNTRIES OF THE COMMONWEALTH OF INDEPENDENT STATES AND RELEVANT NEIGHBOURING STATES, HELD AT GENEVA ON 30 AND 31 MAY 1996

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I. INTRODUCTION

1. In its resolution 50/151 of 21 December 1995, the General Assembly requested the Office of the United Nations High Commissioner for Refugees, in close cooperation with States and intergovernmental organizations concerned, to convene, in 1996, a regional conference to address the problems of refugees, displaced persons, other forms of involuntary displacement and returnees in the countries of the Commonwealth of Independent States (CIS) and relevant neighbouring States. In the same resolution, the Assembly requested the Secretary-General to report to it, at its fifty-first session, on the implementation of the resolution.

II. OBJECTIVES OF THE CONFERENCE

2. The objectives of the Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States were to provide a reliable forum for the countries of the region to discuss population displacement problems in a humanitarian and non-political manner; to review the population movements taking place in the region, clarifying the categories of concern; and to devise an integrated strategy which would enable the countries of CIS better to cope with and prevent population displacement, as well as to manage and regulate other types of migratory movements taking place on their territories.

III. PREPARATION AND ORGANIZATION OF THE CONFERENCE

3. In December 1994, a Steering Group, composed of interested States and organizations, was formed in Geneva to oversee the preparations for the Conference. Following discussions between UNHCR, the International Organization for Migration (IOM) and the Organization for Security and Cooperation in Europe (OSCE)/Office for Democratic Institutions and Human Rights, a joint secretariat was established in Geneva in spring 1995. The first meeting of experts, held at Geneva in May 1995, formally launched the Conference process by identifying issues of concern and the methodology to address them. Two rounds of subregional meetings were held, at which existing problems and possible solutions were identified and discussed, primarily among the countries of CIS and with the active participation of other interested countries. On the basis of these discussions, a draft declaration of principles and a draft programme of action were prepared by the Conference secretariat. At the second meeting of experts, held at Geneva in January 1996, the drafting process was formally launched through the establishment of a Drafting Committee. The Committee met four times, from January to May 1996, to draft a consolidated programme of action.

4. At the Preparatory Conference held at Minsk on 8 May 1996, participants approved the draft Programme of Action by consensus and requested the Conference secretariat to submit it to the Conference for adoption. This gathering was

attended by delegations representing 37 States, as well as by a number of concerned international organizations.

IV. PROCEEDINGS AND CONCLUSIONS OF THE CONFERENCE

A. Participation

5. The Conference was held at Geneva on 30 and 31 May 1996. It was attended by delegations from the following 87 States: Afghanistan, Algeria, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Canada, China, Colombia, Costa Rica, Cyprus, Czech Republic, Denmark, Egypt, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Haiti, Holy See, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Japan, Kazakstan, Kenya, Kyrgyzstan, Latvia, Lebanon, Lithuania, Luxembourg, Madagascar, Malta, Mexico, Mongolia, Morocco, Netherlands, Nicaragua, Nigeria, Norway, Oman, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saudi Arabia, Senegal, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Tajikistan, Thailand, Tunisia, Turkey, Turkmenistan, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uzbekistan, Viet Nam and Zambia.

6. In addition to UNHCR, IOM and OSCE, the following were represented:

United Nations

United Nations Headquarters, United Nations Office at Geneva, Department of Humanitarian Affairs, Economic Commission for Europe, United Nations Children's Fund, United Nations Development Programme, United Nations Centre for Human Rights, United Nations Population Fund, World Food Programme, United Nations Centre for Human Settlements (Habitat), United Nations University, United Nations Volunteers, United Nations Research Institute for Social Development;

Specialized agencies

International Labour Organization, Food and Agriculture Organization of the United Nations, United Nations Educational, Scientific and Cultural Organization, World Health Organization, World Bank, International Monetary Fund, United Nations Industrial Development Organization;

Other international organizations

Council of Europe, Executive Secretariat of the Commonwealth of Independent States, European Community, International Committee of the Red Cross, International Federation of Red Cross and Red Crescent Societies, League of Arab States, Organization of the Islamic Conference.

7. In addition, the Intergovernmental Consultations and the International Centre for Migration Policy Development were represented, as were 77 non-governmental organizations.

B. Election of officers

8. Ms. Rosa Otunbaeva, Minister for Foreign Affairs of Kyrgyzstan, and Mr. Jakob Kellenberger, Secretary of State of Foreign Affairs of Switzerland, were elected Co-Chairpersons of the Conference by acclamation.

C. Agenda

9. At its first plenary meeting, the Conference adopted its agenda (CISCONF/1996/1) as follows:

1. Opening address by the Secretary-General of the United Nations.
2. Statements by the United Nations High Commissioner for Refugees, the Director-General of the International Organization for Migration and the Secretary-General of the Organization for Security and Cooperation in Europe.
3. Election of the Bureau.
4. Adoption of the agenda.
5. Adoption of the rules of procedure and other organizational matters.
6. Presentation of the draft programme of action.
7. Presentation of the priorities of the CIS countries.
8. Presentation of the UNHCR/IOM joint operational strategy in the countries of the Commonwealth of Independent States (1996-2000).
9. General debate.
10. Adoption of the Programme of Action.

D. Documentation

10. The Conference had before it the following documents:

CISCONF/1996/1	Provisional agenda
CISCONF/1996/2	Provisional list of documents
CISCONF/1996/3	Provisional list of participants
CISCONF/1996/4/Rev.	Draft rules of procedure
CISCONF/1996/5	Draft Programme of Action
CISCONF/1996/CRP/1/Rev.	Priorities of the CIS countries

CISCONF/1996/CRP/2/Rev.	UNHCR/IOM joint operational strategy in the countries of the Commonwealth of Independent States - Years 1996 to 2000
CISCONF/1996/INF/1	List of accredited NGOs
CISCONF/1996/DC/19	Report of the Fourth Drafting Committee
CISCONF/1996/PC/5	Report of the Preparatory Conference
CISCONF/1996/SG/2	Report of the Tenth Steering Group Meeting

E. Organization of work

11. In connection with the organization of its work, the Conference adopted its rules of procedure (CISCONF/1996/4/Rev.).

F. Opening statements

1. Statement by the Secretary-General of the United Nations

12. The Secretary-General of the United Nations stated that the Conference was an event of critical importance, insofar as it demonstrated clearly the will of the international community to mobilize its energies for contributing to the solution of the population displacement problems of the CIS countries. The Programme of Action constituted a major step towards the application of international law to all contemporary forms of involuntary and forced migratory movements. As far as the implementation of the Programme of Action was concerned, humanitarian and political action needed to be closely and constantly linked, so as to achieve lasting solutions. In that respect, joint action by the three organizations composing the secretariat would demonstrate innovative international solidarity and commitment, which could serve as a model for the future. The Secretary-General praised the CIS countries for their initiative and commitment to political, social and economic advancement and urged the international community to extend full support for the Programme of Action.

2. Statement by the United Nations High Commissioner for Refugees

13. The United Nations High Commissioner for Refugees praised the dedication of the CIS countries, the interest shown by other participating States and international organizations and the efforts by non-governmental organizations, all of which had contributed to the success of the preparations for the Conference. Concerted action was needed, not only for humanitarian reasons but also because of the potential for spill-over of the population movements. The nature and scale of existing displacement problems were such that they had far-reaching implications, not only for the CIS countries but also for the European and Central Asian regions. In order to forestall additional similar problems, a combination of political, economic and humanitarian measures should be taken, to form the basis of an effective preventive strategy. The High

Commissioner noted that while the implementation of the Programme of Action was primarily the responsibility of the CIS countries, its success also depended on the sustained interest and support of the international community. Her Office was fully determined to translate the Programme of Action into tangible action, by inter alia fully cooperating with IOM and OSCE in the follow-up process.

3. Statement by the Director-General of the International Organization for Migration

14. The Director-General of the International Organization for Migration welcomed the comprehensive approach adopted in the preparatory process leading to the Conference. A wide range of issues had been addressed, reflecting the concerns of the vast majority of the participants. A broad spectrum of actors had been involved, and their inputs duly reflected in the Programme of Action. In addition, during the preparations for the Conference, a habit of consultations on population displacement problems had been established among CIS countries, as well as with other concerned countries and international organizations. The success of the preparatory process lay in the original approach adopted by the secretariat, which combined transparency, flexibility, openness and simplicity with ownership and due representation. As far as follow-up was concerned, the UNHCR/IOM joint operational strategy was instrumental in ensuring proper implementation of the Programme of Action. The substantive success of the Conference would be measured by its long-term achievements. The Conference could be instrumental in catalysing regional cooperation on population displacement matters, lead to a shared understanding of migration and refugee issues, and result in a shared commitment on the roles and responsibilities of each of the concerned parties in addressing those issues.

4. Statement by the Secretary-General of the Organization for Security and Cooperation in Europe

15. The Secretary-General of the Organization for Security and Cooperation in Europe noted that migration was a serious human dimension problem and a comprehensive security challenge. As an element of its comprehensive approach to security, OSCE was committed to contributing to the efforts aimed at addressing migration-related problems in the CIS countries. The most effective strategy for dealing with such problems was preventing situations that might result in mass flows of refugees and displaced persons, by identifying and addressing their root causes. Hence, in the OSCE context, the issue of mass migration was addressed in the framework of conflict prevention and crisis management. The Conference process had been a capacity-building exercise in intergovernmental as well as inter-agency cooperation. The combined and complementary approaches taken by the three organizations composing the Conference secretariat in contributing their respective resources and strengths had instilled confidence among prospective partners and interested States in their potential to meet the challenges ahead. The Secretary-General expressed his organization's readiness to make its contribution to the follow-up process.

G. General debate

1. Statements by epresentatives of States

16. In the course of the general debate, statements were made by the representatives of the following States: Afghanistan, Austria, Armenia, Azerbaijan, Belarus, Belgium, Canada, China, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Holy See, Hungary, Iran (Islamic Republic of), Italy, Japan, Kazakstan, Kyrgyzstan, Latvia, Lithuania, Norway, Pakistan, Poland, Republic of Moldova, Romania, Russian Federation, Sweden, Switzerland, Tajikistan, Turkey, Turkmenistan, Ukraine, United Kingdom and United States of America.

2. Statements by representatives of organizations

17. In addition, statements were made by representatives of the following organizations: Department of Humanitarian Affairs, Centre for Human Rights, Economic Commission for Europe, United Nations Children's Fund, United Nations Development Programme, United Nations Population Fund, United Nations Volunteers, World Food Programme, International Labour Organization, Food and Agriculture Organization of the United Nations, World Health Organization, World Bank, Council of Europe, European Commission, International Committee of the Red Cross and International Federation of Red Cross and Red Crescent Societies, as well as 14 non-governmental organizations.

H. Adoption of the Programme of Action

18. At its fourth plenary meeting, on 31 May 1996, the Conference adopted the Programme of Action by acclamation (see annex).

19. Following adoption of the Programme of Action, the Co-Chairperson reminded delegations that paragraph 147 of the Programme of Action provided that the Steering Group established in Geneva during the preparatory process would be reconvened after the Conference to monitor the follow-up process. Non-governmental organizations would be invited to participate as observers. The Co-Chairperson requested interested States and organizations to communicate in writing to the Conference Secretariat, by 15 June 1996, their desire to participate in the Steering Group during the follow-up process.

I. Interpretative statements and reservations

20. The delegation of Estonia made the following statement:

> Estonia is joining in a consensus in the adoption of the Programme of Action, but would like to make an explanatory statement, containing our reservations on some of the working definitions and paragraphs 16 and 17. We would like this explanatory statement to be part of the official record. For universal acceptance, working definitions should be neutral, descriptive and non-political. Estonia does not associate itself with the

usage of the working definitions, which apply only to the CIS countries and do not carry universal or binding character outside the designated area. Similarly, paragraph 17 of the Principles, which contains a working definition not universally accepted, should be interpreted to apply to the region where the definition is valid. It should be noted that paragraph 17 is a limited duplication of a more general obligation of human rights expressed in paragraph 10, which Estonia fully accepts. Finally, we would like to clarify our position in regard to paragraph 16. According to the International Covenant on Civil and Political Rights, paragraph 25, certain civil and political rights apply only to citizens of the State.

21. The delegation of Latvia made the following statement:

Latvia wishes to make a reservation with respect to the article 8 of section B of Annex 2 - Working Definitions, regarding the term "involuntarily relocating persons" throughout the whole text of the Programme of Action. Since there already exist universally accepted definitions covering the said category of persons, such as internally displaced persons, refugees, asylum-seekers as well as deported persons, it should be emphasized that the special definitions created for the purpose of this Conference do not carry universal or binding character.

J. Summing up by the Co-Chairperson

22. In summing up the general debate, the Co-Chairperson noted that the Conference represented a pioneering attempt to address the unprecedented population displacement faced by the CIS countries by identifying innovative solutions at the national, regional and global levels, in the light of established international standards and in a humanitarian and non-political context. The integrated approach adopted stemmed from the consideration that those problems cut across borders and hence required comprehensive solutions that went beyond the capabilities of individual States or organizations. She highlighted the complementarity between national measures and the collective effort of the international community, as well as the uniqueness of the cooperation established among the three organizations composing the secretariat. The preparatory process was deemed to have been extremely fruitful, thanks to the positive and constructive spirit of cooperation that developed among participants. The Co-Chairperson commended the active participation of CIS countries, and other interested countries and organizations, in the process, and expressed the hope that such a spirit would be maintained in the Conference follow-up process. Finally, she expressed the wish that the Conference process could serve to strengthen human rights, democratic institutions and civil society in the CIS countries, and contribute to the economic, social and political progress of the region and of the world at large.

K. Closing remarks by the United Nations High Commissioner for Refugees

23. In closing the Conference, the United Nations High Commissioner for Refugees noted that the Conference process had proved to be extremely challenging, but also highly useful. During the preparatory process, a new level of understanding had been reached among both the CIS countries and all other participants. Drafting the Programme of Action, achieving broad consensus for it, and establishing the will and the momentum to implement it had required considerable efforts, but had ultimately been instrumental in bringing the Conference to a successful close. The Programme of Action provided a solid basis for future work and now needed to be implemented. In that respect, the High Commissioner welcomed the high level of commitment to the follow-up process expressed by all delegations. On behalf of the agencies composing the Conference secretariat, she confirmed their collective dedication to the implementation of the Programme of Action and expressed the hope that all participants would help ensure that the Programme did not remain only on paper.

PROGRAMME OF ACTION

DECLARATION

1. The break-up of the Soviet Union has altered the political geography of the world, exacerbated existing inter-ethnic conflicts and led to acute political, economic and social problems. The social and economic instability of the transition period that the CIS countries 1/ are experiencing and the manifestation, in some of these countries, of violence, of disregard for human rights and humanitarian law, of ecological disasters, as well as of difficulties for certain groups to integrate, have become the main causes of unregulated migration and involuntary population movements, affecting millions of people. Such massive and unmanaged population movements may undermine political and economic transformation in the CIS countries and could have far-reaching implications for international security and stability.

2. Acknowledging the pervasiveness and acuteness of these problems and recognizing that, while the primary responsibility for tackling those problems lies with the affected countries themselves, the serious challenges cannot be met by the limited resources and experience of these new States individually, the CIS countries called for concerted action and international cooperation. The international community expressed the wish to support the efforts of the CIS countries to address these problems in that spirit, bearing in mind both the scale of the humanitarian need and the wider security implications involved.

3. Fully conscious of the magnitude and complexity of the population displacement problems faced by the CIS countries, the General Assembly, in 1995 (resolution 50/151), called on the United Nations High Commissioner for Refugees, on the basis of two earlier General Assembly resolutions, 48/113 of 20 December 1993 and 49/173 of 13 December 1994, to convene a regional conference to address the problems of refugees, displaced persons, other forms of involuntary displacement and returnees in the countries of the Commonwealth of Independent States and relevant neighbouring States (hereafter referred to as the Conference). In 1994, UNHCR had initiated the process which was to lead to that Conference, in close association with the International Organization for Migration (IOM) and the Organization for Security and Cooperation in Europe (OSCE) and its Office for Democratic Institutions and Human Rights (ODIHR).

4. The objectives of the Conference process are threefold: to provide a reliable forum for the countries of the region to discuss population displacement and refugee problems in a humanitarian and non-political way; to review the population movements taking place in the CIS countries, clarifying the categories of concern; 2/ and to elaborate a non-binding Programme of Action for the CIS countries.

1/ The States participating in the commonwealth of Independent States (CIS) are Armenia, Azerbaijan, Belarus, Georgia, Kazakstan, Kyrgyzstan, Moldova, the Russian Federation, Tajikistan, Turkmenistan, Ukraine and Uzbekistan. In the text of this document, they are referred to as the "CIS countries".

2/ For working definitions, see annex II.

5. The Programme of Action includes measures aimed to establish national migration systems and to develop appropriate policies and operational activities. Preventive measures have been devised to address the causes of possible displacement. Strengthening international cooperation and cooperation with the relevant international organizations and non-governmental organizations is a necessary complement to measures taken by the CIS countries. The strategy also includes implementation and follow-up activities so as to ensure the sustainability of the Conference process.

6. States participating in the Conference process recognize that the concept of regional and international security is based upon the strengthening of democratic institutions and the protection of human rights and fundamental freedoms. They have developed a remedial and preventive approach based on these concepts and have worked together, on the basis of mutual respect and equality, to devise a comprehensive strategy to manage migration flows and address the problems of coerced and massive population displacement in the CIS countries.

7. This strategy is grounded in universal human rights and internationally accepted principles relevant to the management of population movements and to the prevention of situations leading to further massive, involuntary displacement, taking into account the specific situation in each country and the peculiarity of the migratory flows among them. It provides a practical framework for action to address existing problems and prevent potential ones. It will constitute an important step in meeting the long-term challenges of managing migration flows and preventing population displacement in this huge and diverse area where the CIS countries are located. While this strategy has been formulated specifically to apply to the CIS countries themselves, the participating States are committed to supporting the vital process of implementing the measures contained in the Programme of Action. All States and the international organizations concerned express their readiness to provide appropriate forms and levels of support for this implementation.

I. PRINCIPLES

8. The States participating in the Conference recognize that the magnitude of population displacement problems in the CIS countries is such that they deserve concerted efforts to be resolved.

9. (a) The States affirm that the following principles, which are acceptable to all participating States insofar as they stem from international instruments and commitments as accepted by and applicable to them, provide guidance for action in dealing with population movements addressed by the Conference.

(b) The promotion of universal respect for, observance and protection of human rights and fundamental freedoms by States, and international cooperation in this regard, are important factors in the management of migration flows and in the achievement of durable solutions to the problems of internal and transboundary population displacements.

(c) The exercise by everyone of the rights, protection and freedoms reflected in these principles is of essential importance to democracy, the rule

of law and stability, in particular for social harmony, promotion of tolerance and mutual respect among all parts of the population.

(d) For this purpose, it was recognized as crucial to sustain effective implementation of and compliance with the principles contained in the following paragraphs.

10. (a) States fulfil their obligations to promote universal respect, observance and protection of human rights and fundamental freedoms for all, in accordance with the Charter of the United Nations, the Universal Declaration of Human Rights and other international or applicable regional instruments and commitments relating to human rights, refugee and international humanitarian law, as well as with customary international law. All States are encouraged to accede to these instruments and, as far as possible, to avoid reservations. Promotion and protection of human rights and fundamental freedoms are first and foremost the responsibility of States. The implementation of commitments related to the rule of law, democracy and human rights are of legitimate and common concern to all States.

(b) Enhancement of international cooperation in the field of human rights is essential to the achievement of the purposes of the United Nations.

11. (a) Everyone has the right to leave any country, including his/her own, and the right to return to his/her own country, as well as the right of liberty of movement and the right freely to choose his/her place of residence within his/her own country. States have the obligation to accept the return of their nationals, including those who are illegally present in other countries.

(b) Any restriction that may be deemed necessary to the freedom of movement and to the choice of residence within one's own country shall be established through national legislation in accordance with international and applicable regional human rights instruments as well as OSCE commitments.

12. States have the obligation to cooperate in combating international criminal activities in the field of illegal migration, in order to encourage security and social stability on their territory.

13. (a) Everyone has the right to seek and to enjoy in other countries asylum from persecution. In implementing this right, States will endeavour to bring their practice into conformity with recognized international instruments.

(b) States not yet having acceded to the Convention relating to the Status of Refugees (1951) and its Protocol (1967) are encouraged to do so and to implement these instruments effectively.

(c) States shall not expel or return (refouler) a refugee, in any manner whatsoever, to the frontiers of territories where his/her life or freedom would be threatened on account of his/her race, religion, nationality, membership of a particular social group, or political opinion.

(d) The granting of asylum is a peaceful and humanitarian act which shall not be regarded as an unfriendly act by any other State.

14. Internally displaced persons are entitled to enjoy in full equality the same rights, protection and freedoms under internal and international law as other citizens, permanent residents or persons lawfully present in the country, as the case may be. States on whose territory internal displacement occurs are primarily responsible for finding solutions to the plight of internally displaced persons. They make all efforts not to restrict or derogate from the human rights of internally displaced persons and undertake to apply international human rights and humanitarian law.

15. (a) Everyone has the right to a nationality. No one shall be arbitrarily deprived of his/her nationality, nor denied the right to change it.

(b) States fully ensure that, through the operation of national laws, all persons who were citizens of a predecessor State and who are permanently residing on the territory of a successor State, enjoy or be granted citizenship.

(c) States adopt appropriate measures at the national and international levels to prevent and to reduce statelessness, particularly concerning persons residing permanently on their territory. States having not yet acceded to relevant international instruments relating to statelessness are encouraged to do so.

16. (a) Persons belonging to national or ethnic, religious and linguistic minorities (hereafter referred to as "persons belonging to minorities") have the right, in addition to their civil and political rights, individually or in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, and to use their own language freely, without any form of discrimination, in accordance with the legislation of the country of residence.

(b) On the basis of national legislation, States promote policies and adopt measures to preserve and develop the ethnic, linguistic, cultural and religious identity of persons belonging to minorities, in conformity with international law. The United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities provides important guidelines in this regard.

(c) States welcome international efforts to improve the protection of the rights of persons belonging to minorities, in particular by the CIS countries. In this context, States take note of the adoption, by the Council of Europe, of the framework Convention for the Protection of National Minorities, which is open (by invitation) to signature by non-member States.

(d) State policies aimed at ensuring rights of persons belonging to minorities and bilateral and multilateral cooperation on these issues, on the basis of international law, are major elements in strengthening inter-ethnic peace and stability.

17. The protection of human rights of and the promotion of equal opportunities for involuntarily relocating persons should be guaranteed and be a part of the promotion values of civil society.

18. To ensure protection of the rights of migrants and to promote mutual respect, understanding and cooperation between them and the populations of host countries, the elimination of all forms of racism and racial discrimination, xenophobia and intolerance is a priority task for all States and a concern for the international community. Effective measures will be taken to prevent and combat such phenomena.

19. In order to strengthen the development of civil society, States fully recognize the rights of individuals to freedom of assembly and freedom of association. They provide access, within the framework of existing legislation, to all relevant information and aim at developing comprehensive cooperation with non-governmental organizations.

20. (a) Natural disasters, man-made catastrophes and ecological degradation are also causes of population displacement. States bear responsibility for the elimination of consequences of these phenomena and should, through emergency preparedness, take steps to reduce the incidence and scope of disasters.

(b) In this context, States acknowledge the increasing significance of ecological issues and the interdependence of disaster reduction, protection of national resources, environmental management and sustainable development. They reaffirm their will to intensify their international cooperation and efforts to protect and improve the environment.

21. Persons belonging to formerly deported peoples have the right to voluntary return, including ensuring transit travel, uninhibited transportation of property which belongs to them and assistance in integrating in their historical homeland.

22. Each State bears primary responsibility in dealing with population displacement on its territory. International cooperation and solidarity may be needed to reinforce national efforts.

23. Implementation of these principles by States should not prejudice the provisions of domestic law or any international instrument which are already in force or may come into force, under which more favourable treatment would be accorded.

II. INSTITUTIONAL FRAMEWORK

Basis for action

24. The development of the institutional capacity of the Governments of the CIS countries is a priority to achieve durable solutions for population displacement problems. This long-term process is already under way in most of these countries, and is often integrated into and supportive of existing efforts for wider public-service reform.

25. The building and strengthening of national capacities for migration management benefit from high-level political commitment by the Governments concerned. At the same time, international assistance is needed to ensure that

this process takes place at an adequate pace and in a reasonable time-frame. Technical cooperation programmes and financial assistance, provided by relevant international organizations, interested countries, non-governmental organizations and other independent actors can, in particular, take the form of expert advice, sharing of experience, research, seminars, workshops, training programmes, support to local non-governmental organizations and provision of equipment. The international community, non-governmental organizations and other independent actors may play a role in monitoring the implementation of measures undertaken in this field.

Objective

26. The objective is to establish national migration systems consistent with the principles stated in chapter I. The formulation of policies with respect to population displacement constitutes the first step of this endeavour. Such policies provide the foundation of and the framework for the establishment or development of appropriate legislative bases and administrative structures.

A. Policy

Actions

27. National policies should be adopted or revised to manage migratory movements, to address displacement and prevent situations leading thereto, to combat illegal migration, including illegal transit migration and trafficking of migrants, as well as to protect the rights of persons affected by displacement.

28. Cooperation between States, non-governmental and other organizations at the local, national and international levels, including the private sector, is essential for the formulation, implementation and evaluation of national migration policies, including the establishment of mechanisms for monitoring implementation and for periodic policy review.

29. To the extent possible, migration policies should incorporate coordination and cooperation mechanisms with neighbouring and other interested countries, as well as with relevant international organizations. National policies ought to be flexible and allow for review and development, so as to adapt to changing circumstances. Particular attention needs to be paid to their implementation.

30. National migration policies ought to take into consideration the specific features and needs of the beneficiary groups of migrants and of the territories receiving them. Repatriants, involuntarily relocating persons and persons belonging to formerly deported peoples need assistance to resettle in/return to their countries of citizenship or origin, as well as to integrate into their societies. Involuntarily relocating persons may also require emergency assistance. Because of their situation as minorities, persons belonging to formerly deported peoples require guarantees for their human rights. Policies should therefore aim to provide emergency assistance when needed, facilitate resettlement/return and promote integration, giving particular attention to the protection of the rights of persons belonging to formerly deported peoples.

31. Since the return of ecological migrants to the places of their previous residence would, in most cases, pose a threat to their physical safety and health, assistance should be provided to them to facilitate their integration into other places. Should ecological disasters occur, ecological migrants may require emergency assistance.

32. National policies should incorporate principles of international protection of refugees. States should take necessary steps to adhere to the principle of non-refoulement, to secure access for, grant asylum to and respect the human rights of refugees. International protection ends only with the attainment of a durable solution, ideally through the restoration of protection by the refugee's own State. Refugee status must be adequately established and refugees accorded an appropriate standard of treatment to guarantee their safety and well-being in the country of asylum. Since the ultimate goal of international protection is to achieve a durable solution for the refugee, the protection function also includes the promotion, with States and international organizations, of measures to remove or attenuate the causes of refugee movements, so as to establish conditions that would permit refugees to repatriate safely and voluntarily to their homes and, when feasible, facilitating, assisting and monitoring the safety of such repatriation. If voluntary repatriation is not possible, the protection function involves promoting and implementing another durable solution, that is, local integration or resettlement in a third country.

33. Persons in refugee-like situations also need international protection. States are called upon to provide them with an adequate status.

34. International concern for the plight of internally displaced persons stems from the recognition that involuntary displacement increases the vulnerability of affected populations to abuses of human rights. The human rights and fundamental freedoms of internally displaced persons, as contained in international human rights and humanitarian law instruments, should therefore be fully guaranteed. In situations of displacement, the CIS countries may be required to take additional measures to safeguard human rights and fundamental freedoms, particularly during periods of public emergency, when the need for protection of internally displaced persons is greatest. The prohibition of forcible relocation or return to unsafe areas should be clearly spelled out in national policies. Policies should also take into account the need for effective implementation of principles and rules of humanitarian law, as applicable. Particularly relevant is the observance of humanitarian standards and of the provisions of human rights law that are applicable in all situations, as well as article 3, common to all four Geneva Conventions, which prohibits, inter alia, violence to life and/or the person, the taking of hostages and outrages against the dignity of persons. Of relevance also is Protocol II additional to the Geneva Conventions (1977), in particular article 17, which deals with displacement of civilian populations in internal armed conflicts and sets out restrictions to such movements. It provides guarantees to civilian populations when these movements take place for imperative military reasons, and prohibits their being compelled to leave their own territories for reasons related to the conflict.

35. The family is the basic unit of society and as such deserves special attention. In the context of population displacement, States undertake, to the

extent possible, to prevent family separation, to consider favourably applications for family reunification from recognized refugees and other legal migrants having the right to long-term residence, as well as to facilitate, through appropriate mechanisms, family contacts and visits involving nationals from other States lawfully resident on their territory.

36. Return of illegal migrants is an integral part of an effective migration policy. Illegal migrants, when returned, should be speedily taken back. States undertake to pay particular attention to illegal migration, including trafficking of aliens, to adopt measures to curb it and to ensure increased international cooperation to combat trafficking. In taking measures to safeguard their borders and to define conditions for the control of access to their territory, States will implement appropriate legislation and establish proper administrative structures in conformity with international law, in particular human rights law and humanitarian principles. Such policies shall not prejudice the access of asylum-seekers to appropriate protection.

37. States should cooperate, bilaterally and multilaterally, to combat illegal migration and criminal activities often related to illegal migration, such as illegal drugs and arms trafficking.

38. Vulnerable groups of persons affected by displacement, such as single heads of household, unaccompanied minors, victims of torture, trauma, sexual abuse or mistreatment, the elderly and the disabled have specific needs which the CIS countries are urged to address through humanitarian, legal and financial assistance.

B. Legislation

39. National legislation on migration and related matters should be adopted or revised, as appropriate. By-laws and regulations need to be fully in line with relevant legislation and should specify mechanisms for the implementation of legislation. When necessary, mechanisms for the implementation of by-laws and regulations should be developed in conformity with existing legislation. Priority ought to be given to legislative acts over executive orders.

40. National immigration legislation should stipulate conditions of entry, stay and exit of foreigners, as well as the rights and obligations applicable to them. Legislation should also determine conditions for obtaining entry visas and residence permits, as well as for their renewal. Legislation needs to specify the range of civil, social, economic and cultural rights granted to migrants lawfully residing in the country. To the extent possible, long-term residents should be ensured the same access to public services as nationals, in particular as concerns access to education, housing, basic social and health services and cultural life, as well as the right to form associations of a non-political or non-military character. Legislation ought to specify the conditions of access for long-term residents to the labour market and the eventual restrictions thereto. The link between the right to residence and the right to employment needs to be clearly spelled out, as well as the conditions applicable in case of unemployment.

41. The same national legislation should clearly specify the grounds on which the host State is entitled to remove a migrant lawfully residing on its territory; these grounds must directly relate to considerations of public order or national security. National legislation should also specify the extent of the restrictions to freedom of movement that can be imposed pending expulsion. Procedural guarantees, such as the possibility of remaining in the country until a final decision has been reached, should be determined. All migrants should be protected against arbitrary expulsion. Collective expulsions are prohibited under international law.

42. National legislation on illegal migration should be adopted or developed, as appropriate. Trafficking of migrants and conspiracy to traffic in migrants should be criminal offences. This should include instigating as well as aiding and abetting the offence. Offences carried out for profit or reward and/or in an organized network should be given particular attention. It should become possible to confiscate direct or indirect proceeds obtained as a result of trafficking in migrants, and to confiscate means of transport and other instrumentalities. Measures should be taken to prohibit the employment of those who have entered or remained illegally on the territory of a State. The situation of victims of trafficking deserves special attention and their needs should be duly taken into account.

43. In States Party to the Convention relating to the Status of Refugees (1951) and/or its Protocol (1967), refugee legislation should be in accordance with these instruments and other protection standards. States not Party to the Convention and/or Protocol should adopt or revise their refugee legislation in accordance with universally accepted principles and standards of protection. Expulsion and return of refugees, in any manner whatsoever, to the frontiers of territories where their life or freedom would be threatened are prohibited, in accordance with the principle of non-refoulement, as spelled out in article 33 of the 1951 Convention. The principle of non-refoulement applies to persons meeting the requirements of the 1951 Convention, even if they have not been formally granted refugee status. Legislation needs to provide for refugee status determination procedures, as well as for criteria for the granting of asylum. States are encouraged to bestow asylum-seekers temporary residence, access to social welfare and access to medical care during the processing of their claim. The benefits to be enjoyed by asylum-seekers should be clearly defined, as should rights bestowed to refugees after the granting of refugee status, which include the right to a residence permit or other appropriate document for as long as protection is needed, access to the labour market or to self-employment, as well as civil, social and cultural rights. Legislation ought to stipulate the right of asylum-seekers, whose claims have been rejected, to have the decisions reconsidered. Asylum-seekers should be able to remain in the territory of the host country while the denial of their claims is being reconsidered by a higher administrative or judicial authority, whenever the national legislation so provides, and except when the claims are manifestly unfounded or clearly outside the Convention.

44. In order to prevent and reduce situations of statelessness, existing legislation on citizenship should be amended where necessary, to be brought into conformity with international standards. In addition, the following criteria ought to be taken into account. States should grant their citizenship to any

child born or foundling found on their territory who would otherwise be stateless, in accordance with national legislation and with the provisions of the Convention on the Reduction of Statelessness (1961). Legislation should provide for simplified procedures for granting citizenship to persons who otherwise would be stateless. Every person should be able to change his/her citizenship, in conformity with applicable legislation. States should protect women from becoming stateless as a result of marriage or its dissolution, or as a result of a change of citizenship by the husband during the marriage. Arbitrary deprivation of citizenship, for example on grounds of race, ethnicity, gender, religion or political opinion, is prohibited. Cases of deprivation of citizenship must be expressly prescribed by law, and can only take place after full and proper legal proceedings in which the citizen should be offered the usual safeguards, including a system of appeal or review. No deprivation of citizenship should take place if it will result in statelessness, except as permitted under the relevant international law.

45. When necessary, existing legislation needs to be brought into line with respective constitutions. Appropriate measures should be taken to eliminate contradictions between legislative acts, as well as between legislative acts and administrative practices, ensuring full respect for appropriate international instruments.

46. National legislation should be brought into conformity with international norms and standards in the field of human rights, as well as with respective international obligations in the field of migration and protection of refugees.

47. States that have not done so are urged to sign and ratify relevant international instruments relating to refugees, stateless persons and migrants, with particular regard to the Convention relating to the Status of Refugees (1951) and its Protocol (1967), the Convention relating to the Status of Stateless Persons (1954) and the Convention on the Reduction of Statelessness (1961).

48. States that have not done so are urged to sign and ratify relevant international human rights instruments, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and, where applicable, the European Convention for the Protection of Human Rights and Fundamental Freedoms.

49. National legislation, as well as regional and international instruments, need to be implemented effectively, consistently and in a uniform manner throughout the country.

C. Administration

50. Appropriate administrative structures for migration management should be established or strengthened. A high-level governmental migration agency could be established at the national level. In addition to operational responsibilities, such an agency would develop policy and coordinate all relevant governmental bodies involved in migration matters. A network of branch offices could be developed at the local level and at borders.

51. National migration structures should implement migration legislation and programmes in full equity and without discrimination, in accordance with international law.

52. The functions and operational links of all entities involved in the implementation of migration policies and programmes need to be clearly defined, to ensure coordination at the national level of all relevant governmental bodies involved in migration matters. Such mechanisms for coordination can be of great help in targeting humanitarian assistance and would facilitate the work of international and non-governmental organizations.

53. Appropriate administrative structures are necessary to implement refugee legislation and to handle individual asylum applications through national refugee status determination procedures. In the interest of both the asylum applicant and the State, such procedures should be fair and expeditious. Fair procedures call for careful examination of the claim by a clearly identified, qualified, knowledgeable and impartial governmental decision-making body. Every asylum-seeker should have access to assistance in presenting his/her claim. The difficulties that genuine refugees often have in providing documentary or other evidence to support their claims ought to be borne in mind. In the case of a negative decision, an opportunity should exist for an independent review or appeal. In case of mass inflows, prima facie determination should be envisaged. Refugees and asylum-seekers should be provided with appropriate documentation certifying their status.

54. Appropriate structures and mechanisms are needed for the control of borders and to ensure well-functioning border-crossing procedures. Such mechanisms should guarantee migrants and refugees due process and non-discriminatory treatment. A sufficient number of border officials is necessary to conduct checks and maintain surveillance at borders. Staff at border-crossing points need to receive up-to-date information on forgeries, high-risk groups, travel documents and visa regulations, as well as possess appropriate technical devices for examining travel documents. It is important that they be trained to treat asylum-seekers without discrimination and to refer them to the competent refugee authorities. Cooperation among staff at borders at all levels is to be encouraged and promoted. Appropriate procedures for detention and expulsion at borders ought to be elaborated and an appropriate jurisdiction entrusted with controlling the legality of executive decisions on detention and removal at borders. The development of effective procedures is recommended for the discovery and prevention of illegal entry, including illegal stay on the pretext of tourism, studies or business visits. Border-control procedures could be harmonized between CIS countries, as appropriate. Travel documents should be introduced in line with relevant international standards, incorporating safeguards against forgery. Cooperation agreements concluded among neighbouring countries would increase the efficiency of controls and thereby prevent illegal migration and alien trafficking.

55. The introduction of clear and efficient procedures for the registration of population movements is recommended. Reliable information systems would facilitate the gathering of data for statistical purposes, as well as the planning and management of migratory flows. All relevant governmental bodies, at both the central and local levels, need to be connected to the network, to

improve coordination and decision-making. The exchange of information is encouraged between national information systems. The relevant authorities may need equipment (hardware and software) to perform their tasks.

56. Emergency preparedness structures and mechanisms should be established or developed at the governmental level to handle sudden and massive population displacement. In addition, the capacity of non-governmental organizations needs to be strengthened and supported to address emergency situations and to work with Governments in implementing emergency programmes. The emergency preparedness capabilities of international organizations should also be taken into account. Early warning is a crucial element of preparedness (see chap. IV A). States are encouraged to cooperate with relevant international mechanisms in this regard.

57. Contingency planning aims to identify possible scenarios for population displacement and to establish appropriate response mechanisms. Ultimately, the process leads to the identification of sectoral requirements for protection and assistance, of management entities and structures required for coordination and implementation, and of likely sources of inputs. In conjunction with early warning mechanisms, contingency plans need to be updated regularly, to improve preparedness and ensure effective responses to emergencies. Relevant national authorities, international organizations, local and international non-governmental organizations can be involved in such a process.

58. Training programmes in migration management could be developed and implemented at local, national and international levels. Such programmes would target migration officials to ensure that they have the skills and expertise needed for implementing legislative acts and administrative regulations in a professional and effective manner. Short- and long-term programmes could focus particularly on the training of appropriate specialists, including personnel from non-governmental organizations. Training programmes would promote international human rights, humanitarian and refugee law, as well as refugee status determination procedures, emergency preparedness and contingency planning. The expertise of international and non-governmental organizations can be useful in this context. Training-of-trainers schemes, study visits for various authorities and the exchange of national cadres, including trainers and representatives of non-governmental organizations, would encourage sharing experiences. Existing national institutions for the training of civil servants could be adapted to meet such needs. Subregional training centres could be established and a network of subregional educational institutions developed.

III. OPERATIONAL FRAMEWORK

Basis for action

59. Assistance programmes are essential to sustain durable solutions for groups affected by population displacement. It is within the competence of the CIS countries to design and implement such programmes; indeed, they are already doing so, in cooperation with the international community. Existing needs, however, far exceed the human, technical and financial resources available within the CIS countries. International support and assistance, based on

existing programme frameworks and provided by relevant international organizations, interested countries, non-governmental organizations and other independent actors, are thus called for. Assistance would need to be provided to the groups concerned, in particular the most vulnerable, as well as to relevant governmental and non-governmental bodies. Direct assistance can be complemented by technical cooperation to strengthen the capacity of governmental and non-governmental bodies in planning and implementing assistance programmes. The practical implementation of programmes can be monitored by the local Governments, the international community, non-governmental organizations and other independent actors.

Objective

60. The objective is that programmes addressing the short- and long-term assistance and protection needs of the beneficiary groups are developed and implemented in accordance with the principles stated in chapter I. These programmes should be elaborated with the active participation of all groups likely to be affected by them (including the local population) and should take fully into account the interests of these groups. The crucial role of non-governmental organizations in articulating and voicing such interests is recognized. These programmes would provide refugees, persons in refugee-like situations and internally displaced persons with emergency assistance as required, and assistance when repatriating/returning to and reintegrating into the country or region of their previous residence, or in integrating locally. Involuntarily relocating persons may need emergency assistance, and their resettlement and local integration ought to be facilitated. Assistance should be provided to repatriants and persons belonging to formerly deported peoples for their return and integration. Ecological migrants may need emergency assistance, as well as assistance for local integration. Illegal migrants should be returned and readmitted, with due respect for their human rights.

A. Emergency assistance

Actions

61. Emergency assistance should be provided in a timely and comprehensive manner and as necessary to refugees, persons in refugee-like situations, internally displaced persons, involuntarily relocating persons and ecological migrants, as well as to host communities. These persons should, inter alia and as a minimum, be able to enjoy internationally recognized human rights and receive all necessary assistance, in particular life-sustaining assistance (for example, food, water, shelter, basic sanitary and health facilities). They must be free from discrimination based on race, colour, sex, language, religion, political or other opinion, nationality or social origin, property, birth or other status. They should be considered as persons before the law, enjoying free access to the courts and other competent administrative authorities. They should be accommodated in areas where their safety and well-being are guaranteed and where the security concerns of the host country are met. All possible assistance ought to be given to trace relatives and to respect family unity. The special needs of women, children, the elderly and the disabled require particular attention, as do those of vulnerable groups, such as single heads of

household, unaccompanied minors, victims of torture, trauma, sexual abuse or mistreatment. The nature and scope of assistance needs to take account of local conditions, customs, habits, religion and other characteristics of the beneficiary groups. Whenever possible, emergency assistance should be provided in a way that takes into account the long-term development needs of the beneficiary groups.

62. Without prejudice to or neglect of individual needs, whenever possible, assistance needs to be community-based, in order to alleviate the pressure on existing resources and structures, and to maintain good relations between the local population and the displaced. From the onset, a proper balance between services and material assistance delivered to displaced persons and the local population needs to be maintained. Non-governmental, community-based self-support networks ought to be encouraged.

63. Internally displaced persons, involuntarily relocating persons and some ecological migrants enjoy the protection of their national authorities as nationals of the State in which they are located. Nonetheless, they have special protection needs. Specifically, these groups need guaranteed safe access to essential facilities and commodities. To be able to exercise their legal rights, they must be provided with personal documentation. In addition, they should be protected against arbitrary or mass transfers. Forced return to conditions of danger is prohibited. International and non-governmental organizations must have unimpeded access to such groups.

64. Emergency situations often coincide with large-scale influxes of asylum-seekers. These persons should be admitted to the State in which they first have a reasonable opportunity to seek refuge; if that State is unable to admit them on a durable basis, it should admit them at least on a temporary basis and provide them with protection. Asylum-seekers should be admitted without discrimination.

65. If no durable solution can be envisaged in the foreseeable future, consideration should be given to shifting assistance from relief to rehabilitation and development, to help beneficiaries achieve self-sufficiency and allow them to lead a dignified and productive life. Temporary integration would be facilitated by the improvement of shelter conditions, the development of income-generating activities and the provision of basic social services, such as education and medical assistance.

B. Repatriation/return/resettlement

1. Voluntary repatriation of refugees and persons in refugee-like situations

66. Voluntary repatriation remains the most desirable solution for refugees and persons in refugee-like situations. The principle of voluntariness is the cornerstone of international protection and follows directly from the principle of non-refoulement. States should respect the individual right and freely expressed wish of the persons concerned. Refugees and persons in refugee-like situations should be able to leave the host country safely and repatriate in

conditions of safety and dignity to their places of origin or previous residence, or to any other location within their country. Organized repatriation ought to take place in an orderly and gradual manner, based on the absorption capacity of the country of origin. Spontaneous repatriation should not be hindered. States are encouraged to allow international and non-governmental organizations to have unimpeded access to persons repatriating before, during and after repatriation.

67. Before and during repatriation, appropriate conditions of safety and security should be ensured along repatriation routes and in areas where refugees and persons in refugee-like situations repatriate. International protection standards should be respected. Physical security, including protection from armed conflict and elimination of conflict-related risks, should be guaranteed. Material security, such as access to plots of land and means of livelihood, also has to be ensured. In situations of armed conflict, a political settlement needs to be reached and implemented. Relevant international and non-governmental organizations could monitor the personal security of persons repatriating.

68. Throughout the process of repatriation and reintegration, refugees and persons in refugee-like situations should continue to benefit fully from international protection. In addition, in order for such persons to benefit effectively from the protection of national authorities, specific legislative and administrative measures may be necessary, such as guarantees for personal safety and integrity, amnesty laws for political acts, the issuance of identity and travel documents, the registration of births and marriages having taken place abroad and the granting of citizenship.

69. To the extent possible, refugees and persons in refugee-like situations should receive full and objective information on the situation prevailing in their country of origin, so as to be able to take a decision in an informed manner. This information could include a description of the general conditions in the country or region of origin, as well as details on the situation in specific areas of repatriation, such as the level of security and the availability of plots of land, information on the availability of international assistance and protection, the text of the formal guarantees or assurances provided by the Government of the country of origin and relevant explanations. Mass information campaigns could prove useful in this respect. International and non-governmental organizations could be active partners in the collection and dissemination of accurate information.

70. Relevant international organizations, in particular UNHCR and IOM, can promote and facilitate voluntary repatriation. The planning of repatriation programmes needs to be initiated well in advance and involve all affected groups. Such programmes could include the provision of transport for persons and their belongings, of material and legal assistance in the country of origin, and of other measures to meet the assistance and protection needs of the beneficiary groups. The rehabilitation of housing, basic infrastructure and administrative structures is to be undertaken by the concerned CIS countries. Specific programmes need to target vulnerable groups, including single heads of household, unaccompanied minors, victims of torture, trauma, sexual abuse or mistreatment, the elderly and the disabled. It is necessary to establish

mechanisms for monitoring the implementation of the programmes from the very outset.

71. Voluntary repatriation could be encouraged and facilitated through the establishment of tripartite commissions responsible for planning and implementing repatriation programmes. These commissions would be composed of representatives of the country of origin, the country of asylum and UNHCR.

72. The rebuilding of civil society is of primary importance to facilitate repatriation. Confidence-building measures, such as the promotion of dialogue, public reassurances, voluntary repatriation agreements and human rights monitoring by international and non-governmental organizations, would contribute in that respect. Reconciliation programmes could be developed. Inter-ethnic relations in repatriation areas and the rights of persons belonging to minorities deserve special attention. Persons repatriating must be guaranteed non-discrimination and full respect for their human rights under the same conditions as nationals. Stateless persons must be guaranteed the same rights as foreigners permanently residing in the country. Persons repatriating should not be prosecuted or punished for having left their former places of residence. Full use should be made of the experience and instruments of international and non-governmental organizations in the area of post-conflict rehabilitation.

2. Return of internally displaced persons

73. Return remains the most desirable solution for internally displaced persons. States should respect the individual right and freely expressed wish of the persons concerned. Internally displaced persons should be able to leave the host region safely and return in conditions of safety and dignity to their places of previous residence, or to any other location within the country. Organized return ought to take place in an orderly and gradual manner, based on the absorption capacity of the region of origin. The spontaneous return of internally displaced persons should not be hindered. States are encouraged to allow international and non-governmental organizations to have unimpeded access to the persons returning before, during and after return.

74. Before and during return, appropriate conditions of safety and security should be ensured along return routes and in return areas. International protection standards should be respected. Physical security, including protection from armed conflict and elimination of conflict-related risks, should be guaranteed. Material security, such as access to plots of land and means of livelihood, also has to be ensured. In situations of armed conflict, a political settlement needs to be reached and implemented. Relevant international and non-governmental organizations are called upon to monitor the personal security of internally displaced persons.

75. To the extent possible, internally displaced persons should receive full and objective information on the situation prevailing in their region of origin, so as to be able to take a decision in an informed manner. This information could include a description of the general conditions in the region of origin, as well as details on the situation in specific areas of return, such as the level of security and the availability of plots of land, information on the

availability of international assistance and protection, the text of the formal guarantees or assurances provided by the Government and relevant explanations. Mass information campaigns could prove useful in this respect. International and non-governmental organizations could be active partners in the collection and dissemination of accurate information.

76. Relevant international organizations, in particular UNHCR and IOM, if so requested, can promote and facilitate the return of internally displaced persons. The planning of return programmes needs to be initiated well in advance and involve all affected groups. Such programmes could include the provision of transport for persons and their belongings, of material and legal assistance in the region of return, and of other measures to meet the assistance and protection needs of the beneficiary groups, as necessary. The rehabilitation of housing, basic infrastructure and administrative structures is to be undertaken by the concerned CIS countries. Specific programmes need to target vulnerable groups of migrants, including single heads of household, unaccompanied minors, victims of torture, trauma, sexual abuse or mistreatment, the elderly and the disabled. It is necessary to establish mechanisms for monitoring the implementation of the programmes from the very outset.

77. The voluntary return of internally displaced persons could be encouraged and facilitated through the establishment of tripartite commissions responsible for planning and implementing return programmes. These commissions would gather representatives of the central authorities, the local authorities of the return area and relevant international organizations.

78. The rebuilding of civil society is of primary importance to facilitate return. Confidence-building measures, such as the promotion of dialogue, public reassurances, voluntary return agreements and human rights monitoring by international and non-governmental organizations, would contribute in that respect. Reconciliation programmes could be developed. Inter-ethnic relations in return areas and the rights of persons belonging to minorities deserve special attention. Returning internally displaced persons must be guaranteed non-discrimination and full respect for their human rights under the same conditions as other nationals. Stateless persons must be guaranteed the same rights as foreigners permanently residing in the country. Returning internally displaced persons should not be prosecuted or punished for having left their former places of residence. Full use should be made of the experience and instruments of international and non-governmental organizations in the area of post-conflict rehabilitation.

3. Return of repatriants and persons belonging to formerly deported peoples and resettlement of involuntarily relocating persons

79. The orderly return of repatriants and persons belonging to formerly deported peoples and the resettlement of involuntarily relocating persons to the country of their citizenship or origin should be facilitated. Countries of permanent residence and of return/resettlement, as well as relevant international organizations, need to be actively involved in the development of return/resettlement programmes. Planning must also involve all affected

communities (including the returning and the local population), inter alia through non-governmental organizations, and fully take their needs into account.

80. To the extent possible, persons wishing to return/resettle should be granted access to full and objective information on the situation prevailing in the country of their citizenship or origin, so as to take an informed decision. International and non-governmental organizations could be active partners in the collection and dissemination of accurate information.

81. Persons wishing to return/resettle should have access to transportation and other forms of assistance, including legal counselling. Before leaving, they should be allowed to sell their property according to national legislation. They should also be able to transfer property across borders, which can be facilitated through customs agreements. Citizenship, residence permits and other relevant documentation may need to be provided.

4. Return of illegal migrants

82. The efficient return and readmission of illegal migrants is key to the prevention of illegal migration and trafficking of migrants. The return of illegal migrants from the CIS countries directly to their countries of citizenship is recommended, provided that it does not violate the 1951 Convention. Illegal migrants should be returned in an orderly manner and in conditions of safety and dignity. States should readmit their nationals or persons who were permanently residing on their territory, who are illegally present in or entering a foreign country. Readmission should take place in a humane, swift and flexible manner. The human rights of illegal migrants must be respected before, during and after their return. Relevant international organizations, non-governmental organizations and other independent actors ought to be able to monitor return conditions.

83. National, bilateral and multilateral mechanisms to facilitate the return of illegal migrants would provide a means to exchange information, to cooperate in organizing transport and to solve problems related to transit. IOM and other relevant international organizations can be helpful in this context.

84. The CIS countries need to strengthen bilateral and multilateral cooperation to ensure efficient return and readmission practices. This cooperation can include readmission arrangements and agreements on illegal migrants and illegal transit migration. Bilateral and multilateral agreements could be concluded with neighbouring and other interested States.

85. Assisted return programmes, in particular those aimed at illegal migrants stranded in transit and at stranded students, as developed and implemented by IOM and other relevant partners, can be useful in preventing irregular migration and providing humanitarian relief. These programmes are based on the principle of voluntariness and presume close cooperation between the host country, the country of return, concerned non-governmental organizations and the implementing organization. The CIS countries are encouraged to develop such programmes, in cooperation with IOM. Flexible incentives could be provided for a limited period of time to encourage return and prevent further migration. A

reintegration component which combines individual assistance with local development would encourage others to return. Discrimination between the beneficiary groups and nationals should, however, be avoided.

C. Integration

86. Integration ought to be seen as an immediate goal for repatriants, involuntarily relocating persons and persons belonging to formerly deported peoples having returned to/resettled in their country of citizenship or origin, as well as for ecological migrants, who probably cannot return to their former places of residence. For refugees, persons in refugee-like situations and internally displaced persons, integration may be seen as a durable solution in cases when it becomes clear that neither voluntary repatriation/return to their previous places of residence nor resettlement is an option in the foreseeable future. The best interests of the concerned populations are to be taken into account. Integration should not be seen as a substitute for the return of persons displaced as a result of armed conflict.

87. The human rights of persons integrating are to be respected, in accordance with international instruments. Integration programmes should avoid discriminating between beneficiary groups, as well as between them and the local population. The national, ethnic, cultural, linguistic and religious identity of the persons integrating would need safeguarding, in accordance with international standards. Integration should not lead to forced assimilation.

88. It is desirable that housing programmes be launched that would provide for, inter alia, the provision of plots of land, assistance and subsidies. Preferential taxation and credit schemes could be developed for certain beneficiary groups.

89. The concentration of persons integrating in densely populated, economically depressed or ecologically unsafe areas may hamper their full integration into the local society and create tensions with the local population. To avoid such problems, the need for an appropriate distribution of persons integrating throughout the territory should be taken into account when developing integration programmes. Such considerations should not in any way hinder a citizen's freedom to choose his/her place of residence within his/her own country.

90. Mechanisms and procedures for registering citizens should not in any way hinder their freedom of movement, nor should they be used to restrict their right to choose freely their places of residence within their own countries.

91. Measures are necessary to assist integrating persons in finding employment, such as through job-placement services, vocational training and re-training schemes. Income-generating and small-business development programmés will stimulate integration.

92. Structures conducive to the self-sufficiency and self-reliance of persons integrating need to be established or strengthened. Self-help arrangements to support enterprises initiated by migrants ought to be encouraged. Migrant

communities can be assisted through reception centres, direct assistance (provision of machinery, tools and other small-scale equipment), business management training and financial or other credits to start small-scale enterprises. Such programmes would benefit from linkage with wider economic development programmes. Non-governmental organizations, particularly those organized by integrating persons, can play an important role in this respect.

93. The direct access of integrating persons to basic social services, including counselling, education and medical assistance, as well as to appropriate legal assistance, should not be hindered. The provision of pensions needs special attention.

94. Integration programmes should take into account the specific needs of the different categories of integrating persons. For persons belonging to formerly deported peoples, the acquisition of citizenship is of primary importance and would allow them to enjoy fully the rights and freedoms granted to citizens. Since they generally find themselves as a minority in their new places of residence, such persons should be able to enjoy fully the rights applicable to persons belonging to minorities. They also need to be fully associated with the economic progress and development of their countries. In implementing the rights of persons belonging to formerly deported peoples, States should not overlook the rights and legitimate interests of the permanent residents of the return areas.

95. Some refugees, persons in refugee-like situations, repatriants and persons belonging to formerly deported peoples may be stateless. Acquisition of citizenship should therefore be facilitated, in accordance with national legislation. Free access to information on requirements and procedures for acquisition of citizenship is necessary.

96. In fleeing their places of permanent residence, refugees, persons in refugee-like situations, internally displaced persons, involuntarily relocating persons and ecological migrants may have lost property. Compensation should be envisaged through bilateral and multilateral mechanisms, with the cooperation of relevant international organizations.

97. The development of targeted programmes is encouraged for the most vulnerable migrants, such as single heads of household, unaccompanied minors, victims of torture, trauma, sexual abuse or mistreatment, the elderly and the disabled. Assistance would address their immediate needs and enable them to make a living and integrate into society. Women are to be ensured opportunities to earn an income, through the right to use the land, to own property, to obtain credit and, in some instances, through training in specific skills.

98. Appropriate measures need to be taken by all concerned actors to increase the local population's level of acceptance and understanding of integrating persons. All available means should be used, including mass media campaigns and the education system. International and non-governmental organizations have an important role to play in reducing tensions and building confidence within communities. Persons affected by displacement could be encouraged to form associations, to increase their involvement and participation in the decisions affecting them.

IV. PREVENTION

Basis for action

99. The prevention of situations whereby population displacement might occur cannot take place without the identification of actual and possible causes of such displacement. Situations range from violations of human rights (including the rights of persons belonging to minorities) and humanitarian law, communal tensions and internal strife, to social and economic deterioration, environmental degradation, natural, technological and environmental disasters, internal and international conflicts.

100. Since respect for human rights and humanitarian law is a matter of concern to the international community at large, and since population displacement has an impact on stability in the CIS countries, and hence on peace and security, the prevention of such situations cannot be seen only as a matter of internal concern, but also of direct and legitimate concern to the international community as a whole. The active involvement of the international community, as well as of non-governmental organizations and other independent actors in the implementation of activities envisaged in this chapter, is therefore warranted. Technical assistance from the international community to governmental and non-governmental bodies in the CIS countries remains essential for local capacity-building. Furthermore, international organizations, non-governmental organizations and other independent actors have a responsibility to promote activities in the field of prevention.

Objective

101. The objective is to prevent situations leading to population displacement, particularly of a sudden and massive nature. The monitoring of causes of potential displacement is essential for acquiring relevant information on potential crises; monitoring mechanisms and structures thus need to be established or strengthened. Early warning is necessary if the situation is likely to deteriorate, so that concerned actors can prepare for an emergency and undertake appropriate measures to address its causes. In the event of a conflict, appropriate steps should be taken to attempt to resolve it by peaceful means. Finally, long-term measures to create conditions in which population displacement is unlikely to take place need to be implemented. It is desirable that preventive measures and mechanisms be coordinated at the national and international levels.

A. Monitoring and early warning

Actions

102. Appropriate measures (such as establishing or developing national networks) should be taken to collect, analyse and disseminate information on situations in which sudden and massive population displacement might occur. National migration services or other relevant agencies could be entrusted with such tasks, perhaps through the use of their branch offices at the local level or in

embassies. Non-governmental organizations and other independent actors constitute independent and reliable sources of information. They may also play an important role in the field of early warning.

103. Cooperation among migration and other governmental services of the CIS countries is encouraged, with a view to exchanging relevant information on potential sources of displacement. Subregional migration centres might carry out monitoring and early warning functions. Close cooperation with existing early-warning mechanisms and procedures relating, inter alia, to natural, environmental and technological hazards and other humanitarian emergencies should be encouraged.

104. On the international level, CIS countries will fully use the early warning instruments of the United Nations, including inter-agency and interdepartmental consultations, as well as the relevant OSCE instruments and mechanisms, in particular the regular political consultations taking place in the framework of the Permanent Council, the High Commissioner on National Minorities, the Office for Democratic Institutions and Human Rights, the Chairman-in-Office and the Long-term Missions, according to their mandates.

B. Preventive measures

105. Appropriate measures should be taken to ensure the protection of human rights and the respect for international humanitarian law. The CIS countries are encouraged to ratify and implement relevant international instruments relating to human rights, refugee and humanitarian law and to bring national legislation into conformity with such instruments. National institutions responsible for monitoring and promoting the protection of human rights require support. The establishment of a national post of ombudsman for human rights, whose responsibilities would follow, inter alia, the recommendations of the 1991 CSCE Oslo Meeting of Experts on Democratic Institutions, merits consideration. The crucial role of international and non-governmental organizations in the protection and promotion of human rights, refugee and humanitarian law should be acknowledged and supported.

106. Appropriate legislation and regulations should be adopted to ensure the implementation of international humanitarian law. States Party to Additional Protocol I to the Geneva Conventions should recognize the role of the International Fact-finding Commission. The rules and principles of international humanitarian law should be widely disseminated and made known among the authorities and the general public.

107. Measures should be taken to prevent and reduce statelessness in accordance with international conventions. Free access to information on requirements and procedures for the acquisition of citizenship should be guaranteed.

108. The protection of the rights of persons belonging to minorities requires particular attention. In the CIS countries, policies, legislation and mechanisms need to be developed in accordance with international and regional instruments and commitments, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural

Rights, the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, the CSCE Copenhagen Document and other relevant CSCE/OSCE documents, as well as the Council of Europe Framework Convention for the Protection of National Minorities (1995). When appropriate, full use should be made of existing procedures or mechanisms established by international bodies, such as the Commission on Human Rights and the Subcommission on the Prevention of Discrimination and Protection of Minorities, within the United Nations system. The CIS countries are also encouraged to make full use of the relevant OSCE instruments and mechanisms in this field, as well as of the expertise of other relevant international organizations. The CIS countries should cooperate with the OSCE High Commissioner on National Minorities and support the follow-up and implementation of his recommendations. In this respect, cooperation among CIS countries should be encouraged, including, as applicable, within the framework of the CIS Convention on the Protection of the Rights of Persons belonging to National Minorities.

109. Guaranteeing such rights may call for State action. Appropriate measures may be required to promote the use of minority languages in the areas of education and culture, in legal procedures before courts and in relations with administrative authorities, by the media, as well as in the economic and social fields, as indicated in relevant CSCE/OSCE documents and in the Council of Europe Framework Convention for the Protection of National Minorities (1995).

110. As concluded by the CSCE Meeting of Experts on National Minorities, held at Geneva in 1991, and stated in other relevant OSCE documents, the establishment and maintenance of unimpeded contacts among persons belonging to a national minority, as well as contacts across frontiers by persons belonging to a national minority with persons with whom they share a common ethnic or national origin, cultural heritage or religious belief, contributes to mutual understanding and promotes good neighbourly relations. The importance of the role of non-governmental organizations and other elements of civil society in cross-border confidence-building is recognized.

111. Strengthened bilateral cooperation between countries of origin and host countries will also help to avoid involuntary movements. In particular, trans-border cooperation should be enhanced. Reliable information should be disseminated on resettlement opportunities in the country of origin, and integration into the host country should be encouraged.

112. The CIS countries should promote the social acceptance of all persons of concern to this Conference and prohibit discrimination based on race, colour, sex, language, religion, political or other opinion, nationality or social origin, property, birth or other status. Non-governmental organizations can help create a hospitable and tolerant climate for such persons. Human rights education, promoting tolerance and democratic values, needs to be developed to combat racism, racial discrimination and xenophobia. The education system and mass media can be useful in this regard. Extensive public information work should be conducted for the general audience, whereas more focused training could target non-governmental organizations, including migrant associations.

113. Measures should be taken to prevent communal tension and internal disorder from escalating and resulting in human rights abuses, violent crimes and

population displacement. Such measures include preventive diplomacy, early warning, the building of democratic institutions and conflict resolution. Preventive diplomacy, which includes the provision of good offices, negotiations, inquiry, mediation and conciliation, should be based on impartiality, confidentiality and cooperation. Full use should be made of OSCE instruments and mechanisms for conflict prevention. In this context, the efforts of the CIS countries aimed at developing mutually accepted approaches should be welcomed, with particular regard to the development of strategies for the prevention and solution of conflicts in the CIS countries.

114. The direct or indirect implications of national social and economic policies for potential population displacement need careful consideration. Poverty is of particular concern, whether it is an unintentional effect of economic reform (including structural adjustment) or a result of pre-existing trends. There is a link between the poverty of vulnerable groups, social stability and population movements. Thus, the CIS countries should give priority to developing an effective social safety net at the national level.

115. In order to prevent environmental degradation and ecological disasters, environmental norms should be brought into accord with international standards, and the safety of all nuclear and chemical installations should be effectively ensured. Policies to increase environmental awareness and to educate citizens, in order to reduce the risks of natural and technological disasters and minimize the consequences of such disasters, are important. Appropriate legislative and administrative steps are needed to enhance public participation in environmental planning and decision-making. All efforts should be undertaken to apply existing scientific and technological potential in order to prevent severe disaster situations which would lead to displacement. The CIS countries are encouraged to make use of mechanisms put in place jointly by the United Nations Environment Programme and the United Nations Department of Humanitarian Affairs to facilitate emergency assistance in case of environmental disasters.

C. Conflict resolution

116. The CIS countries shall adhere to the principle of peaceful settlement of disputes in accordance with international law, the provisions of the Charter of the United Nations and other international commitments. To that end, they shall engage in intensive diplomatic consultations and make full use of all available international instruments such as existing OSCE instruments and mechanisms in the field of the peaceful settlement of disputes. Every effort should be made to include humanitarian issues in overall political settlements.

117. Third-party mediation and negotiation services based on impartiality, confidentiality and cooperation should be made available to all concerned parties. Full use should be made of OSCE crisis management mechanisms and instruments.

V. COOPERATION

Basis for action

118. While the main burden of implementing the Programme of Action rests with the CIS countries, international support may be required to facilitate this process. In addition, the international dimension of population movements calls for international cooperation. The international community could encourage and promote such cooperation.

Objective

119. The objective is to strengthen cooperation in the field of migration and related matters at the bilateral and multilateral levels among the CIS countries, and between these countries and other interested countries, relevant international organizations, non-governmental organizations and other independent actors.

A. Intergovernmental cooperation

1. Cooperation between CIS countries

Actions

120. Intergovernmental cooperation (bilateral or multilateral) in the field of migration and related matters should be developed and strengthened between CIS countries. Bilateral cooperation will be particularly useful in resolving the problems of persons belonging to formerly deported peoples wishing to return to their homelands, and for the exchange of information on countries of origin of asylum-seekers and on their place of registration.

121. Intergovernmental cooperation will enhance the regulation and management of migratory flows; the voluntary repatriation of refugees and persons in refugee-like situations; the return of persons belonging to formerly deported peoples; the reintegration of internally displaced persons and involuntarily relocating persons; the solution of the problem of ecological migrants; the protection of the rights of migrants and particularly of their property rights; the exchange of information on countries of origin of asylum-seekers and on their place of registration; and the development of early-warning mechanisms and emergency-preparedness structures.

122. Bilateral and multilateral cooperation is also desirable to prevent illegal migration and illegal transit migration, in particular as concerns visa policies, return and readmission policies and the exchange of information.

123. Cooperation can include subregional approaches on migration matters, particularly as concerns measures for the regulation of migratory flows and the elaboration of national legislation, structures and programmes. Subregional migration centres could be instrumental in catalysing such cooperation.

2. Cooperation between CIS countries and other interested countries

124. Cooperation in the field of migration and related matters between the CIS countries and other interested countries, at the bilateral and multilateral levels, should be developed and strengthened. Possible areas of cooperation include the following: refugee matters, where, among others, information can be exchanged on countries of origin; the return of persons belonging to formerly deported peoples; internally displaced persons; ecological migrants and issues relating to environmental protection; illegal migration, including illegal transit migration; and the rights of persons belonging to minorities. Such cooperation includes bilateral or multilateral agreements, as well as technical assistance, to be provided either directly or through international and non-governmental organizations. Technical assistance encompasses the provision of expert advice, the sharing of relevant experience, the exchange of personnel and other training activities, as well as support for national migration programmes. Participation in common processes and forums can be instrumental, inter alia, in developing effective administrative structures, in stimulating ongoing discussion of migration-related issues and in fostering greater coordination of policies and legislation. Finally, the development of cultural, economic and political exchanges at all levels of society can effectively contribute to a greater understanding among peoples.

125. Combating illegal migration and trafficking of migrants requires a high level of cooperation among all interested countries. States should render one another assistance in criminal matters for the prosecution of traffickers, and consider concluding bilateral agreements, including on readmission, or adopting national measures to provide this assistance. Exchange of information on trafficking and on illegal migration should be promoted. Necessary information includes the following: the situation in countries of origin, routes and methods of illegal entry and exit; transit stations, border-crossing points and types of transport used; the nationality of the traffickers and illegal migrants involved and the emerging trends; and finally, the methods of forgery or falsification of travel, identity or other documents. In addition, interested countries should cooperate bilaterally and in competent international forums on other criminal activities often related to illegal migration, such as illegal drugs and arms trafficking.

B. Cooperation with international organizations

126. International organizations are invited to cooperate with the CIS countries in the field of migration and related matters to address the issues highlighted in this document. Technical cooperation programmes include capacity-building activities, aimed to assist the CIS Governments in strengthening their organizational structures and management capacity and in developing their information systems; information activities, to provide Governments with relevant information for planning and decision-making purposes; public information activities, to sensitize the general public to migration and refugee issues; and forum activities, to provide the CIS and other interested Governments with opportunities to discuss migration and refugee matters. In addition, relevant international organizations are invited to continue providing

assistance to the CIS countries in the areas of emergency assistance, repatriation/return/resettlement and integration, as appropriate.

127. Relevant international organizations are called upon to continue to elaborate and implement programmes addressing the issues highlighted in this document in a concerted and coordinated fashion, consistent with their mandates and fields of competence. Special emphasis should be placed on the complementarity of the mandates of relevant organizations. Concerned international organizations should seek to coordinate their efforts, fully utilizing existing mechanisms, and avoid initiating an activity which is already being implemented by another organization.

128. International instruments relating to human rights, humanitarian and refugee law have established treaty bodies or have given a supervisory role to United Nations organs, regional or other organizations and international agencies. The CIS countries should cooperate with such treaty bodies, United Nations organs, regional or other organizations and international agencies. They should apply the recommendations they make and, where applicable, comply with their decisions in respect of the non-observance of international obligations.

C. Cooperation with non-governmental organizations, the International Red Cross and Red Crescent Movement and other independent actors

129. Non-governmental organizations provide humanitarian, legal and other assistance to refugees and migrants in need, advocate the interests and defend the human rights of such persons, mobilize public opinion to promote tolerance, particularly towards refugees and migrants, and actively contribute to the national and international debate on migration and refugee matters. Hence, the CIS Governments and the international community should encourage, enhance and facilitate the contributions that non-governmental organizations and other independent actors make at the local, national and international levels towards finding common solutions to problems related to population displacements and other migratory movements and, in particular, towards achieving the specific objectives of this Programme of Action.

130. Cooperation between all levels of government and non-governmental organizations should be enhanced and non-governmental organizations involved in the discussion, design, implementation, monitoring and evaluation of migration policies and programmes. Access to relevant information on policy developments should be facilitated for non-governmental organizations.

131. The CIS countries are invited to facilitate the work of non-governmental organizations by adopting legislation providing, inter alia, for simple registration procedures. Specific administrative regulations, including taxation schemes, are important for the self-sufficiency and sustainability of humanitarian non-governmental organizations. These non-governmental organizations should be subjected only to such formalities and regulations as are prescribed by law and are necessary in a democratic society.

132. It is recommended that the CIS countries provide, to the extent possible, financial resources to non-governmental organizations for the implementation of assistance programmes. Adequate financial and technical support could be made available to non-governmental organizations by international organizations, international non-governmental organizations and interested countries.

133. Given the nascent character of non-governmental organizations in the CIS countries, cooperation between non-governmental organizations at the national, subregional and international levels should be encouraged and promoted. Exchange of information and coordination of activities are important elements of such cooperation and can contribute to cross-fertilization. Technical cooperation programmes, to be implemented by international and non-governmental organizations, should be developed to facilitate the creation or strengthening of an efficient network of local non-governmental organizations within the framework of national legislation.

134. Governments are encouraged to support and facilitate the efforts of the International Red Cross and Red Crescent Movement and are invited to cooperate actively with its components according to their respective mandates, taking into account the relevant resolutions of the 26th International Conference of the Red Cross and Red Crescent.

VI. IMPLEMENTATION AND FOLLOW-UP

Basis for action

135. This Programme of Action has been adopted by the participants in the Conference, in recognition of the magnitude of population movements taking place in the CIS countries, and as a basis for seeking solutions for existing problems and for the prevention of situations leading to involuntary population displacement.

Objective

136. The objective is to design and adopt mechanisms for the effective implementation of the Programme of Action in a spirit of international cooperation and solidarity, and collectively to review and adjust implementation activities, as appropriate and on a regular basis.

Actions

137. Taking into account their responsibility for the implementation of the Programme of Action, the CIS countries are undertaking a number of concrete measures to translate into action the recommendations of the Programme, in cooperation with non-governmental organizations.

138. International support is required to implement the Programme of Action. Participants in the Conference should provide such support through bilateral and multilateral efforts, in a spirit of solidarity and international cooperation. They should take into account the key elements of the Programme in their ongoing and future activities.

139. The United Nations High Commissioner for Refugees, the International Organization for Migration and the Organization for Security and Cooperation in Europe and its institutions undertake to cooperate fully with the CIS countries in the implementation of the Programme of Action through their activities in those countries and in accordance with their respective mandates. OSCE will give appropriate consideration to the application of the parts of the Programme of Action referring to the implementation of OSCE principles and commitments.

140. As the main operational agencies active in the Conference process, UNHCR and IOM will develop a joint strategy for their activities in the years 1996 to 2000, focusing on the key elements of the Programme of Action. The strategy will guide UNHCR and IOM activities in the countries of CIS for the three to four years following the Conference, in all areas of the respective activities of the two organizations. Cooperation with other organizations and institutions (including international financial institutions) will be sought in appropriate areas and ways.

141. In the implementation of their operational plan, UNHCR and IOM will work closely with the CIS countries and maintain continued cooperation with other organizations (international and national, governmental and non-governmental), to engage all interested parties in the implementation of the Programme of Action.

142. The United Nations High Commissioner for Human Rights should integrate the key elements of the Programme of Action into ongoing and future projects carried out by the Centre for Human Rights in the CIS countries. Activities will be closely coordinated with ongoing and future activities carried out by OSCE in the field of human rights, as well as with UNHCR and IOM, and will complement the strategy which is being developed by these two organizations.

143. The United Nations Department of Humanitarian Affairs should take into account the key elements of the Programme of Action in its work by facilitating emergency humanitarian assistance to the CIS countries. This will be done in close coordination with relief organizations participating in humanitarian emergency assistance programmes.

144. Non-governmental organizations are invited to consider independently the implementation of the Programme of Action and assess possible activities within its framework. They are also encouraged to develop interaction at the national and international levels to define priorities and possible further contributions to the Conference process.

145. A joint Conference Follow-up Unit, comprising UNHCR, IOM and OSCE and its Office for Democratic Institutions and Human Rights, will be established within the existing structure of the organizations (that is, not requiring the creation of new staffing complements), to monitor progress in implementation. A list of main issues and recommendations will be drawn from the Programme of Action, as the basis for evaluation of progress, in parallel to monitoring the implementation of the UNHCR/IOM joint strategy.

146. The Follow-Up Unit will work through the local representations of UNHCR and IOM and in close coordination with national Governments, international and

non-governmental organizations and, as appropriate, in close cooperation with OSCE missions and institutions. The proposed sub-regional migration centres could play a role in this respect. Reports will be drafted at the country level, in this spirit and manner, and will be gathered at headquarters level for compilation and presentation to the participants.

147. The Steering Group, established in Geneva during the Conference process and composed of representatives of participating States and international organizations, will be reconvened after the Conference to monitor the follow-up process. It will meet regularly, once a year from 1996 to 2000, to review progress reports submitted by the Follow-up Unit. Non-governmental organizations will be invited to participate as observers in such meetings and to submit independent reports. Meetings at the national and subregional levels can also take place, according to need. Meetings of the Steering Group will be called by the Follow-up Unit, after consultation with the participants. A first meeting will be called in the second half of 1996.

148. The Steering Group will be able to express its views on reports and recommendations presented to it by the Follow-Up Unit and may make proposals to participating States, IOM, UNHCR and OSCE and other international and national organizations (governmental and non-governmental) regarding the further implementation of the Programme of Action.

149. The meeting of the year 2000 should conclude the process, and the Steering Group would decide then on any further appropriate follow-up.

Annex I

LIST OF PARTICIPANTS IN THE PREPARATORY PROCESS

States

Armenia
Australia
Austria
Azerbaijan
Belarus
Belgium
Bulgaria
Canada
China
Czech Republic
Denmark
Estonia
Finland
France
Georgia
Germany
Greece
Holy See
Hungary
Iceland
Iran (Islamic Republic of)
Ireland
Italy
Japan
Kazakstan
Kyrgyzstan
Latvia
Lithuania
Mongolia
Netherlands
Norway
Pakistan
Poland
Portugal
Republic of Moldova
Romania
Russian Federation
Spain
Slovakia
Sweden
Switzerland
Tajikistan
Turkey
Turkmenistan
Ukraine
United Kingdom of Great Britain and Northern Ireland
United States of America
Uzbekistan

INTERNATIONAL ORGANIZATIONS

United Nations

Department of Political Affairs

Special Representative of the Secretary-General on Internally Displaced Persons

United Nations Office at Geneva

High Commissioner for Human Rights/Centre for Human Rights

Department of Humanitarian Affairs

Economic Commission for Europe

United Nations Children's Fund

United Nations Development Programme

United Nations High Commissioner for Refugees

Specialized agencies

International Labour Organization

World Health Organization

World Bank

Other international organizations

Executive Secretariat of the Commonwealth of Independent States

Council of Europe

European Bank for Reconstruction and Development

European Community

International Committee of the Red Cross

International Federation of Red Cross and Red Crescent Societies

International Organization for Migration

Organization for Economic Cooperation and Development

Organization for Security and Cooperation in Europe/Office for Democratic Institutions and Human Rights

OSCE High Commissioner on National Minorities

OTHER ENTITIES

Intergovernmental Consultations

International Center for Migration Policy Development

Annex II

WORKING DEFINITIONS

1. The complexity of the population movements in the CIS countries stems from the combination of pre-existing flows (which have acquired a new dimension owing to their transformation from internal to international patterns), with new flows. The form of these new flows is in some cases already known to the international community. In other cases, however, the international community has little previous experience. This Conference process has had to address the types of movements found in the CIS countries and formulate working definitions for the sake of mutual understanding.

2. Eight categories of movements are addressed in the CIS Conference process: refugees, internally displaced persons, illegal migrants, persons in refugee-like situations, repatriants, involuntarily relocating persons, formerly deported peoples and ecological migrants. Other categories of movements, such as labour migrants, deported persons and returning military personnel, although they exist in the CIS countries, are not part of the scope of the Conference.

A. For the following categories of persons, reference is made to a universal definition and widely accepted concepts:

3. Refugees a/ are persons who, owing to a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion, are outside the country of their nationality and are unable or, owing to such fear, unwilling to avail themselves of the protection of that country; or who, not having a nationality and being outside the country of their former habitual residence as a result of such events, are unable or, owing to such fear, unwilling to return to it.

4. Internally displaced persons b/ are persons or groups of persons who have been forced to flee their homes or places of habitual residence suddenly or unexpectedly as a result of armed conflict, internal strife, systematic violations of human rights or natural or man-made disasters and who have not crossed an internationally recognized State border.

5. Illegal migrants c/ are persons who are in an irregular situation, not fulfilling the requirements concerning entry, stay and exercise of an economic activity established by the State where they are present. The term "illegal migrants" is used without prejudice to refugee status determination.

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a/ Article 1, para. A (2) of the Convention relating to the Status of Refugees (1951).

b/ Working definition adopted by the Representative of the United Nations Secretary-General on Internally Displaced Persons (E/CANADA/4/1995/50).

c/ This definition is based on the Programme of Action of the International Conference on Population and Development (A/CONFERENCE.171/13).

B. For the specific purposes of this Conference process, a number of working definitions applying to situations in CIS countries have been developed by these countries. These definitions do not carry a universal or binding character.

6. Persons in refugee-like situations d/ are persons who fled their country of citizenship or, if they are stateless, the country of their permanent residence, as a consequence of armed conflicts because their lives, safety or freedom were threatened. These persons are in need of an international protection but may not all be covered by the 1951 Convention and its 1967 Protocol.

7. Repatriants are persons, who for economic, social or personal reasons, have voluntarily resettled in the country of their citizenship or origin for the purpose of permanent residence.

8. Involuntarily relocating persons e/ are persons who are forced to relocate to the country of their citizenship as a result of circumstances endangering their lives, such as armed conflict, internal disorder, inter-ethnic conflict or systematic violations of human rights and who are in need of assistance to resettle in their countries of citizenship.

9. Formerly deported peoples are peoples who were deported from their historic homeland during the Soviet period. Some of the persons belonging to this category may be stateless.

10. Ecological migrants are persons who are obliged to leave their place of permanent residence and who move within their country, or across its borders, due to severe environmental degradation or ecological disasters.

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d/ In some CIS countries, these persons are referred to in national legislation as "refugees".

e/ In the Russian Federation, such persons are included in the category "forced migrants", which may also include "internally displaced persons".